

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Conference Call Board Meeting
July 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

The Georgia State Board of Physical Therapy met on Tuesday, July 17, 2012 via conference call for the purpose of conducting Board business. The following members were present.

Board Members Present:

Bo Hamil, P.T. – President
Charlene Portee, P.T., PhD- Vice-President
Emily Garner, P.T.
Dorothy Gaskin, P.T.
Stefanie Palma, P.T.
Monty Strickland, P.T.
Chad Whitefield, P.T.A.

Board Members Absent:

John Cowherd

Staff Present:

Tanja D. Battle, Executive Director
Amy Morelli, Assistant Attorney General
Amanda M. Allen, Board Support Specialist

Open Session

Mr. Hamil established that a quorum was present and the meeting that was scheduled to begin at 9:00 a.m., was called to order at 9:07 a.m.

Consideration of minutes from the May 22, 2012 Board meeting.

Dr. Portee made a motion to approve the minutes as amended. Mr. Whitefield seconded the motion and the Board voted unanimously in favor of the motion.

Consideration of the minutes from the May 22, 2012 Executive Session meeting.

Dr. Portee made a motion to approve the Executive Session Minutes as amended. Mr. Whitefield seconded the motion and the Board voted unanimously in favor of the motion.

Consider for ratification licenses that have been administratively issued.

Garner motioned, Ms. Palma seconded and the Board voted to ratify the newly issued licenses.

Examination Discussion:

Ms. Sonya Williams, Legal Division requested clarification regarding possible amendments to the Georgia Jurisprudence Examination. Dr. Portee notified Ms. Williams that she will speak to Ms. Susan Layton, Federation of State Boards of Physical Therapy regarding the requested amendments to the examination that was discussed during the March 2012 meeting; in addition, she will forward the information she has on file to Ms. Williams for review.

Board Rule Discussion:

Rule 490-4-.01 Renewal and Reinstatement of License and Penalties

Ms. Gaskin motioned to post the amendments to Rule 490-4-.01 Renewal and Reinstatement of License and Penalties for the 30-day minimum requirement upon the receipt of the memo of authority from Amy Morelli, AAG. Ms. Garner seconded the motion and it carried unanimously.

In addition, Ms. Gaskin motioned, Mr. Strickland seconded, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25, 43-10A-3, 43-10A-5 and 43-10A-13.

Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-10A-3, 43-10A-5 and 43-10A-13 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

Board Policy Discussion:

Executive Director Signature for Chair by Express Consent:

Between Board meetings, the Chair gives express consent for the Board's Executive Director, on the Chair's behalf, to sign all consent agreements or issued cease and desist orders signed by the applicant or licensee. Orders will become effective upon docketing. The Executive Director will present to the full Board at the next scheduled meeting those individuals licensed in this manner for ratification.

Ms. Palma motioned to accept the policy Executive Director Signature for Chair by Express Consent as presented. Ms. Garner seconded the motion and the Board voted unanimously in favor of the motion.

Correspondence from Yavonca Onwuka-Dunston

The Board discussed the correspondence regarding traineeship submitted by Yavonca Onwuka-Dunston. Please refer to Rule 490-4-.04 Inactive Status. In addition, the Board is precluded from offering legal advice, opinions, or interpretations on the Georgia Laws and Rules.

Ms. Garner motioned, to allow the administrative staff to respond back to the correspondent as directed. Dr. Portee seconded the motion and the Board voted unanimously in favor of the motion.

Correspondence from Marjorie Ratliff

The Board discussed the correspondence regarding Physical Therapy Assistant Supervision submitted by Marjorie Ratliff. Please refer to Rule 490-5-.01 Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapy Assistant. Amended. In addition, the Board is precluded from offering legal advice, opinions, or interpretations on the Georgia Laws and Rules.

Dr. Portee motioned to allow the administrative staff to respond back to the correspondent as directed. Ms. Palma seconded the motion and the Board voted unanimously in favor of the motion.

Correspondence from Leslie Taylor

The Board discussed the correspondence from Ms. Leslie Taylor regarding Mercer students being allowed to apply to sit for the Board examination before he/she has officially graduated.

Dr. Portee motioned to grant the request and allow Mercer students to sit for the examination in April 2013. Students will officially graduate from the PT program in May 2013. Request granted under the amendments to Board Policy # 2 Examination Applications. Mr. Whitefield seconded the motion and the Board voted in favor of the motion. Ms. Palma opposed the motion.

Board Chair Report

Mr. Hamil discussed the supervision requirements for PTA's with the Board. Mr. Whitefield motioned to refer to the Rules Committee Rule 490-5-.02 Adequate Supervision Defined. Amended., to review for any possible amendments. Ms. Gaskin seconded the motion and the Board voted unanimously in favor of the motion.

Mr. Hamil discussed the delegation of Board business to administrative staff, as well as, to assigned Board members. Ms. Garner will continue to review noncomplex issues that arise between Board meetings. All complex issues will be presented to the full Board.

Executive Director's Report:

Ms. Battle notified the Board that a Cease & Desist order had been issued and signed by Jason Alan Regis. Mr. Whitefield motioned to accept the signed C&D order. Mr. Strickland seconded the motion and the Board voted in favor of the motion.

Ms. Battle notified the Board that a delegate should be chosen to attend the annual FSBPT Conference. Conference is scheduled to be held on September 20th in Indianapolis. Ms. Palma stated she would be glad to serve as the Board delegate. Ms. Garner motioned to approve Ms. Palma as the Board delegate to attend the FSBPT conference. Mr. Strickland seconded the motion and the Board voted in favor of the motion. Ms. Gaskin agreed to be the alternate delegate. Mr. Strickland motioned to approve Ms. Gaskin as the alternate delegate attendee. Ms. Palma seconded the motion and the Board voted in favor of the motion.

Executive Session

Dr. Portee made a motion, Mr. Strickland seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. 43-1-2(k), O.C.G.A. 43-1-19(h)(2) & (4), and O.C.G.A. §50-14-2(1) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Mr. Hamil, Dr. Portee, Ms. Garner, Ms. Palma, Ms. Gaskin, Mr. Strickland and Mr. Whitefield.

At the conclusion of Executive Session on Tuesday, July 17, 2012, Mr. Hamil declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session

Applications/Licensure:

1. A.D. - P.T. Applicant
Board Recommendation: Denied, does not meet the requirements for licensure.
2. K.D. – PT Reinstatement Applicant
Board Recommendation: Pending, applicant must submit all course objectives and guidelines for Board review.
3. J.B. – PTA Applicant
Board Recommendation: Remediation plans approved. Before further consideration applicant should also add clinical observation component to the remediation plans. In addition, please review Board policy # 2 (c) Examination applications.
4. R.M. – PTA Applicant
Board Recommendation: Denied due to disciplinary history.
5. M.R. – PT Applicant:
Board Recommendation: Refer to the AG’s office.

Ms. Palma motioned to accept the recommendations on the applications as discussed during Executive Session. Ms. Garner seconded the motion and the Board voted unanimously in favor of the motion.

Cognizant Report

PT120002-Cognizant recommended referring complaint case to the AG’s office for issuance of a voluntary C&D order. If order is not signed, Board will move towards conducting a Board Hearing.

PT120003- Cognizant recommended to accept the signed C&D order and to close the case.

PT120009- Cognizant recommended the complaint case remain open, pending the receipt of information from the attending psychiatrist. Upon the receipt of information, case should be referred to the AG’s office for public consent order, \$500 fine and probation for one year.

PT120011- Cognizant recommended the complaint case to be closed with a letter of concern.

PT120018 - Cognizant recommended the complaint case to be closed. No additional actions required.

PT120019- Cognizant recommended the complaint case to be closed with a letter of concern regarding participation in the use of communications that could be considered misleading statements. See Board Rule 490-9-.02 (5) (a).

PT120020 - Cognizant recommended the complaint case to be closed. No additional actions required.

Attorney General's Report:

D. M. – Ms. Morelli reviewed the terms and conditions outlined in the public consent order forwarded to the licensee. Board is in agreement with all terms and conditions.

Ms. Palma motioned, Ms. Gaskin seconded the motion and the Board voted to approve the recommendations made during Executive Session, in reference to complaints, applications, and the Attorney General's report.

Mr. Hamil declared the meeting back into open session.

Additional Business:

1. Board policy # 16 should be removed from the table of contents.
2. Ms. Battle has the revisions to Board policy # 2 drafted. Revisions will be forwarded to Dr. Portee for review and approval. Policy will be updated on the Board's website if correct.
3. Board meeting minutes are not current on the website. Ms. Battle stated she would check into the issue and have all approved meeting minutes posted on the website.
4. New Business: Non-accreditation school graduates being allowed to sit for examination.
5. What types of physical practice will count towards the required 160 hours. Active practice should be clearly defined.
6. Policy # 13 has been referred to the Rules Committee. Revisions have been tabled at this time.
7. Next Scheduled Board Meeting will be conducted on September 18, 2012.

There being no further business, Dr. Portee motioned; Ms. Palma seconded and the Board voted to adjourn today's scheduled conference call at 11:30 a.m.

Minutes recorded by:

Amanda M. Allen, Licensure Analyst, HC1

Minutes reviewed and edited by:

Tanja Battle, Executive Director

Bo Hamil, President

Tanja Battle, Assistant Division Director,
Executive Director, HC 2

These minutes were approved on: September 18, 2012

